

## United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/539,482	03/30/2000	Kenneth R James	ADAPP120	8403	
7590 03/11/2004		EXAMINER			
RICK VON WOHLD			RONES, CHARLES		
MARTINE & PENILLA			ART UNIT	PAPER NUMBER / C/	
710 LAKEWAY DRIVE SUITE 170				PAPER NUMBER /	
SUNNYVALE, CA 94085			2175	V	

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action  Application No.   Op633.482   JAMES, KENNETH R							
Examiner Charles L. Rones 2175 The MAILING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a condition for allowance. (2) at timely filed glandonment with places the application in condition for allowance. (2) at timely filed glandonment with places the application in condition for allowance. (2) at timely filed glandonment with places the application in examination (RCE) in compliance with 37 CFR 1.114.  PERIOD FOR REPLY (check either a) or (3) or timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.  PERIOD FOR REPLY (check either a) or (3) or timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.  PERIOD FOR REPLY (check either a) or (3) or timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.  PERIOD FOR REPLY (check either a) or (3) or timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.  PERIOD FOR REPLY MAIN (Check either a) or (3) or timely filed Request for Continued  The period for reply expires 2.months from the mailing date of the final rejection, whichever is later. In on evert, however, will be stabulory provide for reply expirate for the mailing date of the final rejection.  PORTON, CHECK (Check either a) or (4) or the mailing date of the final rejection.  PORTON, CHECK (Check either a) or (4) or the mailing date of the final rejection.  PORTON, CHECK (Check either a) or (4) or (4) or the mailing date of the final rejection.  PORTON, CHECK (Check either a) or (4)	•	Application No.	Applicant(s)				
Examiner Charles L. Rones 2175 The MAILING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED FALS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandomment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee), or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.  PERIOD FOR REPLY (check either a) or b)]  The period for reply expires 2 months from the mailing date of the final rejection.  PERIOD FOR REPLY (check either a) or b)]  The period for reply expires 2 months from the mailing date of the final rejection.  PERIOD FOR REPLY (check either a) or b)]  The period for reply expires 2 months from the mailing date of the final rejection.  PERIOD FOR REPLY (check either a) or b)]  The period for reply expires 2 months from the mailing date of the final rejection.  PERIOD FOR REPLY (check either a) or b)]  The period for reply expires 2 months from the mailing date of the final rejection.  PERIOD FOR REPLY (check either a) or b)]  The period for reply expires 2 months from the mailing date of the final rejection.  PERIOD FOR REPLY (check either a) or b)]  The period for reply expires 2 months from the mailing date of the final rejection.  PERIOD FOR REPLY (check either a) or b)]  The period for reply expires 2 months from the mailing date of the final rejection.  PERIOD FOR REPLY (check either a) or b)]  The proposed of the final rejection for the final rejection of the final rejection.  The proposed all sets date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension thereof (37 CFR 1.191(d)), to avoid dismissal of the application of the application and for a period for expire 2 months from the final re	Advisory Action	09/539,482	JAMES, KENNETH	R			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandomment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either. (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.  PERIOD FOR REPLY (check either a) or b)]  The period for reply expires 3 months from the mailing date of the final rejection.  The period for reply expires 0; (1) the mailing date of the final rejection. Or (2) the date set forth in the final rejection, whichever is later. In no event, final box with 11 SOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.13(6). The date on which the petition under 37 CFR 1.13(6) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the final rejection. The period is the date for purposes of determining the period of extension and the corresponding amount of the final rejection, even if timely filed, may reduce any evente period more 10 files and the corresponding amount of the final rejection, even if timely filed, may reduce any evente period from (the expiration date of the sherined statutory period for repty originally set in the final rejection, even if timely filed, may reduce any evente period from: (the expiration date of the sherined statutory period for repty originally set in the final rejection, even if timely filed the final rejection in the final rejection in the final rejection in the final rejection in the period or any extension thereof (37 CFR 1.1916). In avoid dismissal of the appeal.  The proposed	·	Examiner	Art Unit				
THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CPR 1.13 may cmy be either; (1) a timely filed amendment which places the application in final rejection under 37 CPR 1.13 may cmy be either; (1) a timely filed amendment which places the application in final rejection.  a) The period for reply expires 2 months from the mailing date of this Abrisony Action, or (2) the date set forth in the final rejection. The period for reply expires activity period reply expires activity.  The period for reply expires activity period reply expires the mailing date of this Abrisony Action, or (2) the date set forth in the final rejection, whichever is later. In no evert, however, will be statutory period for reply expires the malk SIM ADMITS from the mailing date of the final rejection, whichever is later. In no ever, however, will be statutory period for reply expired under 37 CPR 1.139(a) and the application.  Both Period Trip (1) is activated under 37 CPR 1.135(a). The date on which the petition under 37 CPR 1.139(a) and the application of the final rejection and the corresponding amount of the final rejection. Period to have been fined in the date for purposes of elementing the period of entered because under 37 CPR 1.139(a), or any extension thereof (37 CPR 1.139(d)), to avoid dismissal of the final rejection, even if the period activity in the period and the final rejection and for appeal by materially reducing or simplifying the issues for appeal; and/or  (a) they raise new issues that would require further consideration and/or search (see NOTE below);  (b) they are not deemed to place the a			=				
Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.  **PERIOD FOR REPLY** (check either a) or b)**  **The period for reply expires 3: months from the malling date of the final rejection.**  **PERIOD FOR REPLY** (check either a) or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the saturity period for reply expires and the representation of the reply expires of the malling date of the final rejection. This BOX WIEN THE FIRST REPLY WAS FIRST WONTHS from the malling date of the final rejection. The representation of the replace of the	The MAILING DATE of this communication appe	ars on the cover sheet with the o	orrespondence add	ress			
a) The period for reply expires 2_months from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will be statutory period for reply expires the final rejection, whichever is later. In no event, however, will be statutory period for reply expires the final rejection, which is made to the final rejection. The final rejection of the final rejection of the final rejection of the final rejection of the final rejection.  The final rejection of the final rejection of the final rejection of the final rejection, even if the final rejection of the final rejection of the final rejection of the final rejection, even if the final rejection of the final rejection, even if the final rejection, even if final fina	Therefore, further action by the applicant is required to average final rejection under 37 CFR 1.113 may only be either: (1) condition for allowance; (2) a timely filed Notice of Appeal	oid abandonment of this application at the control of the control	ation. A proper reply	ition in			
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 7000 from the period of the second of the many seems of the many be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension ten have been filed a this date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension has been of the control of the shortened statutory period for reply originally set in the final Ordina action of the shortened statutory period for reply originally set in the final Ordina action of the shortened statutory period for reply originally set in the final Ordina action of the shortened statutory period for reply originally set in the final Ordina action of the shortened statutory period for reply originally set in the final Ordina action of the shortened statutory period for reply originally set in the final Ordina action of the shortened statutory period for reply originally set in the final Ordina action of the shortened statutory period for reply originally set in the final Ordina action of the shortened statutory period for reply originally set in the final Ordina action or the shortened set in the final Ordina action or the shortened set in the shortened set in the final Ordina action or the shortened set in the shortened set of the shor	PERIOD FOR RE	PLY [check either a) or b)]					
tee have been field is the date for purposes of determining the period of extension and the corresponding set in the final Office action; or (2) as set forth in (6) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filled, may reduce any earned patent term adjustment. See 37 CFR 1.704(d), to avoid dismissal of the appeal.  1. A Notice of Appeal was filed on 2.27.04. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  2. The proposed amendment(s) will not be entered because:  (a) they raise new issues that would require further consideration and/or search (see NOTE below);  (b) they raise the issue of new matter (see Note below);  (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE:  3. Applicant's reply has overcome the following rejection(s):  4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  5. The apj. affidavit, bij exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:  6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) withdrawn from consideration:  Claim(s) withdrawn from consideration:	b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire It ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS 706.07(f).	Advisory Action, or (2) the date set forth ater than SIX MONTHS from the mailing FILED WITHIN TWO MONTHS OF TH	g date of the final rejectine FINAL REJECTION.	on. See MPEP			
37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  2. The proposed amendment(s) will not be entered because:  (a) they raise new issues that would require further consideration and/or search (see NOTE below);  (b) they raise the issue of new matter (see Note below);  (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE:  3. Applicant's reply has overcome the following rejection(s):  4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  5. The all affidavit, b) exhibit, or clarequest for reconsideration has been considered but does NOT place the application in condition for allowance because:  6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) withdrawn from consideration:  Claim(s) rejected:  Claim(s) approved by the Examiner.	fee have been filed is the date for purposes of determining the period o fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of t (2) as set forth in (b) above, if checked. Any reply received by the Offic	f extension and the corresponding amo the shortened statutory period for reply be later than three months after the mail	unt of the fee. The appropriate the final	opriate extension			
(a)	1. A Notice of Appeal was filed on <u>2-27-04</u> . Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.						
(b) they raise the issue of new matter (see Note below); (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE:	2. The proposed amendment(s) will not be entered be	ecause:					
(c)	(a)   they raise new issues that would require further	er consideration and/or search (s	see NOTE below);				
issues for appeal; and/or  (d) they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE:	(b) they raise the issue of new matter (see Note below);						
NOTE:  3. Applicant's reply has overcome the following rejection(s):  4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  5. The al  affidavit, b  exhibit, or c  request for reconsideration has been considered but does NOT place the application in condition for allowance because:  6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7. For purposes of Appeal, the proposed amendment(s) a)   will not be entered or b)   will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected:  Claim(s) withdrawn from consideration:  The drawing correction filed on is a)   approved or b)   disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  10. Other:	(c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or						
4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:  6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) withdrawn from consideration:  8. The drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  Charles L. Rones Primary Examiner		ng a corresponding number of fi	nally rejected claim	s.			
4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:  6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) withdrawn from consideration:  8. The drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  Charles L. Rones Primary Examiner	3. Applicant's reply has overcome the following rejecti	ion(s):					
application in condition for allowance because:  6.	4. Newly proposed or amended claim(s) would	· · ·	parate, timely filed	amendment			
raised by the Examiner in the final rejection.  7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected:  Claim(s) withdrawn from consideration:  8. The drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  10. Other:	5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for application in condition for allowance because:	reconsideration has been consideration	dered but does NO	T place the			
explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected:  Claim(s) withdrawn from consideration:  8. The drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  10. Other:	6. The affidavit or exhibit will NOT be considered becaraised by the Examiner in the final rejection.	ause it is not directed SOLELY to	o issues which were	e newly			
Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: Claim(s) withdrawn from consideration:  8. The drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  10. Other:	7. For purposes of Appeal, the proposed amendment explanation of how the new or amended claims we	(s) a)⊡ will not be entered or b) ould be rejected is provided belo		and an			
Claim(s) objected to: Claim(s) rejected: Claim(s) withdrawn from consideration:  8. The drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  10. Other:	The status of the claim(s) is (or will be) as follows:	,					
Claim(s) rejected: Claim(s) withdrawn from consideration:  8. The drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  10. Other:							
Claim(s) withdrawn from consideration:  8. The drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  10. Other:  Charles L. Rones Primary Examiner							
8. The drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  10. Other: Charles L. Rones Primary Examiner	——————————————————————————————————————						
9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)  10. Other: Charles L. Rones Primary Examiner		oved or b) disapproved by the	o Everiner				
10. Other: Charles L. Rones Primary Examiner							
Charles L. Rones Primary Examiner		n(s)( P10-1449) Paper No(s)	<del></del> ·				
	iv.[_] .Other:	(		Dones			